

**DEPARTMENT OF TRANSPORTATION (DOT)****Proposed Rule Stage****Federal Transit Administration (FTA)****2496. +DEPARTMENT OF TRANSPORTATION (FTA, FRA, FHWA, AND USCG), NEPA, AND RELATED PROCEDURES FOR TRANSPORTATION DECISION-MAKING****Priority:** Other Significant**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.**Legal Authority:** 49 USC 5304(e); 42 USC 4321; 23 USC 109; 23 USC 128; 23 USC 138; 23 USC 315; 49 USC 303(c); 33 USC 401; 33 USC 491 et seq; 33 USC 511 et seq; 33 USC 525 et seq; 33 USC 535**CFR Citation:** 49 CFR 622; 23 CFR 771; 40 CFR 1500 to 1508; 49 CFR 1.48(b); 49 CFR 1.51; 33 CFR 114.05**Legal Deadline:** Final, Statutory, May 18, 1992.**Abstract:** The Federal Transit Administration and the Federal Highway Administration currently have a joint environmental regulation at 23 CFR 771, "Environmental Impact and Related Procedures". The agencies first issued an environmental regulation together in 1980. The joint regulation was amended in 1987 and again in 1991. Even though FTA and FHWA have joint regulations, each agency's guidance for implementing those regulations is procedurally different. This causes difficulties and inconsistencies for sponsors of transportation projects, particularly where joint FTA and FHWA funds are involved. In the ISTEA, the Congress recognized the importance of providing uniformity and consistency between FTA and FHWA environmental procedures. This is needed to accommodate the increased funding flexibility for surface transportation provided by ISTEA. Because of an

increased emphasis on intermodal planning and proposals to advance a high-speed rail program, the proposed, new joint regulations will include the Federal Railroad Administration (FRA) and the United States Coast Guard (USCG) bridge permit program. The regulations will therefore be applied to all four modal administrations.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/96	

**Small Entities Affected:** Governmental Jurisdictions**Government Levels Affected:** State**Analysis:** Regulatory Evaluation**Additional Information:** Section 134(h)(4) of title 23, United States Code and section 8(h)(4) of the Federal Transit Act, as amended (now 49 USC 5304(e)), direct the Secretary of Transportation to initiate a rulemaking proceeding to conform review requirements for transit projects under the National Environmental Policy Act of 1969, to comparable requirements for highway projects. This action is considered significant because of potential public, congressional, and environmental concerns, and because it involves several interested departmental modes.**Agency Contact:** Scott Biehl, Assistant Chief Counsel, Department of Transportation, Federal Transit Administration, 400 Seventh Street SW., Washington, DC 20590  
Phone: 202 366-0952**RIN:** 2132-AA43**2497. • CAPITAL LEASES****Priority:** Substantive, Nonsignificant**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or

duplication, or streamline requirements.

**Legal Authority:** PL 100-17, sec 308**CFR Citation:** 49 CFR 639**Legal Deadline:** None**Abstract:** The FTA is amending its capital leases regulation to treat maintenance costs under a commercial lease of a capital asset as an eligible capital expense. This rulemaking implements section 308 of the Surface Transportation and Uniform Relocation Assistance Act of 1987, which allows capital grants under the Federal transit laws to be used for leasing facilities or equipment if a lease is more cost effective than purchase or construction of such items. This proposal is consistent with industry practice and recent Federal initiatives to streamline federally assisted procurement practices.**Timetable:**

Action	Date	FR Cite
NPRM	01/31/96	61 FR 3532
NPRM Comment Period End	04/01/96	
Final Action	06/00/96	

**Small Entities Affected:** None**Government Levels Affected:** State, Local**Procurement:** This is a procurement-related action for which there is no statutory requirement. The agency has not yet determined whether there is a paperwork burden associated with this action.**Agency Contact:** Rita Daguillard, Deputy Assistant Chief Counsel, Department of Transportation, Federal Transit Administration, 400 Seventh Street SW., Room 9316, Washington, DC 20590  
Phone: 202 366-1936**RIN:** 2132-AA55**DEPARTMENT OF TRANSPORTATION (DOT)****Final Rule Stage****Federal Transit Administration (FTA)****2498. +BUS TESTING****Priority:** Other Significant**Legal Authority:** 49 USC 5323(c)**CFR Citation:** 49 CFR 665**Legal Deadline:** None**Abstract:** This regulation implements a statutory provision that requires any new bus model purchased after September 30, 1989, to be tested at a facility established by the Secretary in Altoona, PA. This regulation is

significant because of the large amount of public interest.

**Timetable:**

Action	Date	FR Cite
NPRM	05/25/89	54 FR 22716

## DOT—FTA

## Final Rule Stage

Action	Date	FR Cite
NPRM Comment Period End	07/24/89	
Interim Final Rule	08/23/89	54 FR 35158
Interim Final Rule: Comment Period Reopened	11/30/89	54 FR 49297
Interim Final Rule: Second	10/09/90	55 FR 41174
Interim Final Rule: Extending Interim Procedures	09/13/91	56 FR 46572
Interim Final Rule New Vehicle Types	07/28/92	57 FR 33394
Interim Final Rule: Partial Effectiveness Postponed	10/13/92	57 FR 46814
Interim Final Rule: Comment Period Reopened to 01/29/93	01/07/93	58 FR 2989
Interim Final Rule: Partial Effectiveness Postponed	02/23/93	58 FR 10989
Notice of Meeting	02/26/93	58 FR 11549
Interim Final Rule: Small Vehicle Testing, Phase-in of Effective Date	11/03/93	58 FR 58732
Final Action	10/00/96	

**Small Entities Affected:** None

**Government Levels Affected:** None

**Analysis:** Regulatory Evaluation  
07/28/92 (57 FR 33394)

**Additional Information:** Former section 12(h) of the FT Act, as amended (now 49 USC 5302(a)(9)), defines a "new bus model" as a bus model which has not been used in mass transportation service in the United States before the date of production of such model, or a bus model which has been used in such service, but which is being produced with a major change in configuration or components. A third interim final rule, published on 07/28/92, added two new categories of buses required to be tested. On 10/13/92 FTA published a notice postponing the application of the interim final rule for these vehicle types until 02/10/93. The FTA's fourth interim final rule, issued on 11/3/93, established four subcategories of small vehicles to facilitate the phase-in of testing. The final rule will add the two tests mandated by ISTEA, brake performance and emissions, to the seven tests currently performed at the bus testing facility. In addition, the final rule will clarify the partial testing with regard to what constitutes a "major change" on a bus that has been fully tested, but is later produced with

a change in configuration or component.

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**RIN:** 2132-AA30

## 2499. TRANSPORTATION FOR THE ELDERLY AND PERSONS WITH DISABILITIES

**Priority:** Other

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**Legal Authority:** 49 USC 5301(d)

**CFR Citation:** 49 CFR 609

**Legal Deadline:** None

**Abstract:** The regulation sets forth requirements regarding transportation for the elderly and persons with disabilities mandated by 49 USC 5301(d), formerly section 16 of the Federal Transit Act, as amended. The regulation also sets forth accessibility standards for rapid and light rail vehicles that predate passage of the Americans with Disabilities Act of 1990 (ADA) and DOT's implementing regulations (49 CFR Parts 27, 37, and 38). The Federal Transit Administration will revise part 609 to acknowledge new ADA provisions emanating from Federal transit laws.

### Timetable:

Action	Date	FR Cite
Final Action	04/00/96	

**Small Entities Affected:** Businesses, Governmental Jurisdictions, Organizations

**Government Levels Affected:** State, Local

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**RIN:** 2132-AA46

## 2500. +MANAGEMENT AND MONITORING SYSTEMS

**Priority:** Other Significant

**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

**Legal Authority:** PL 102-240, sec 1034; 23 USC 303; 23 USC 315; 23 USC 135; 23 USC 134

**CFR Citation:** 49 CFR 614; 23 CFR 500

**Legal Deadline:** Final, Statutory, December 18, 1992.

**Abstract:** The Intermodal Surface Transportation Efficiency Act mandates the FTA and FHWA to issue regulations for State development and implementation of systems for managing: (1) highway pavement of Federal-aid highways; (2) bridges on and off Federal-aid highways; (3) highway safety; (4) traffic congestion; (5) public transportation facilities and equipment; (6) intermodal transportation facilities and systems. States must be implementing each management system in Federal fiscal year 1995 or the Secretary may withhold up to 10 percent of funds apportioned under Title 23, U.S.C., or under 49 USC chapter 53 (mass transportation), for any fiscal year beginning after September 30, 1995. The primary purpose of these systems is to improve the efficiency of, and protect the investment in, existing and future transportation infrastructure. The systems will provide additional information needed to make informed decisions for optimum utilization of limited resources. The economic impact of the regulation is expected to be minimal. This regulation is issued jointly with the Federal Highway Administration (RIN 2125-AC97). The regulation is considered significant because of substantial State and local government, public, and congressional interest. The interim final rule was effective January 3, 1994; comments were due by January 31, 1994.

### Timetable:

Action	Date	FR Cite
ANPRM	06/03/92	57 FR 23460
ANPRM Comment Period End	08/03/92	
NPRM	03/02/93	58 FR 12096
Request for Comments	03/24/93	58 FR 15816